



PATENT
0234-0442P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Tatsuhiro OKADA et al. Conf.: 8158
Appl. No.: 10/085,052 Group: 1745
Filed: March 1, 2002 Examiner: DOVE, T.M.
For: FUEL CELL

TERMINAL DISCLAIMER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

April 16, 2004

Sir:

National Institute of Advanced Industrial Science and Technology, (hereinafter "the Assignee")

- residing at ,
- a corporation of Japan having a principal place of business at 3-1, Kasumigaseki 1-chome, Chiyoda-ku, Tokyo, Japan,
- a university having an address of ,

represents that it is the true owner of the entire interest of U.S. patent Application No. 10/085,052, filed on March 1, 2002, for "FUEL CELL" (hereinafter "above-identified application") by virtue of and as evidenced by an Assignment recorded at the United States Patent and Trademark Office at Reel 12853, Frame(s) 0584.

The Assignee hereby disclaims the terminal part of any patent granted on the above-identified application which would extend beyond the expiration date of any patent which issues from

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the co-pending Application No. 10/309,005, (hereinafter "co-pending application") and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to any patent which issues from the co-pending application, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

The Assignee does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term as presently shortened by any terminal disclaimer of any patent which issues from the co-pending application in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

This Terminal Disclaimer is submitted on behalf of the Assignee by the undersigned, an attorney of record in the above-identified application.

Please charge any fees or credit any overpayment pursuant to
37 C.F.R. § 1.20 to Deposit Account No. 02-2448.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

Date: April 16, 2004

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